(3)

cf 100/

BEFORE THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH.

WRIT PETITION NO. 744 /2004

PETITIONER

Lakhpati Nayak, S/o Shri Kullar Nayak, aged about 50 years, R/o 8/D-5, Veersawakar Nagar, Hirapur, Raipur (C.G.)

P. R. No. 737/04
Presented by Shri Kishore Singh
dated 05/03/04

VERSUS

RESPONDENTS

1. Managing Director, Chhattisgarh Rajya Vipnan Board, Old Ganj Mandi, Campus, Raipur. C.G.

2. The Secretary Chhattisgarh Rajya Krishi Vipnan Board, Old Ganj Mandi Campus, Raipur (CG)

3. The Deputy Director, C.G. Rajkya Vipnan Board, Jagdalpur.

RECEIVED COPY
5/3/04
Clerk to A. G. Bilaspur

PETITION UNDER SECTION 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATUREOF MANDAMUS/CERCEORI AND/ OR ANY OTHER WRIT OF LIKE NATURE.

XI-HC-22

(50)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 744/04 **सन्** **200**

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

8.7.2005

Petitioner by Shri Ashok Soni, Advocate.

Respondents by Shri Ranbir Singh Marhas, Advocate.

Heard.

This is a petition, filed under Articles 226/227 of the Constitution of India, challenging the order dated 6.2.2004 whereby the petitioner was transferred from the office of the Chhattisgarh Rajya Krishi Vipdan Board Raipur to the office of the Chhattisgarh Rajya Krishi Vipdan Board, Divisional Head Quarter, Jagdalpur. The petitioner had also filed an application for stay of the transfer order. This Court vide order dated 6.4.2004 after hearing both the parties refused to grant stay of the transfer order. Learned counsel for the petitioner informed that the petitioner has not joined the new transferred place of posting.

The petitioner in para 5.3 to 5.5 of the petition has stated that his transfer order was not on account of administrative exigency but due to malafide on the part of the respondents. According to the petitioner the services of the petitioner's son was dismissed and the petitioner's son namely Lucky Nayak has filed W.P.No. 2924/2003 pending in this Court for consideration and no stay was granted in the said petition that is why the petitioner has been transferred.

(पीछे देखिये)

XI-HC-22

(51)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 744/04 **सन्** **200**

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	The respondents in their reply have denied the allegation stating that the allegation of malafide is baseless as the petitioner has been transferred on the ground of administrative exigency. Pendency of the petition filed by the son of the petitioner has nothing to do with the transfer of the petitioner. Having heard arguments of both the parties and perusing the record it is not found that the transfer order was passed not on the ground of administrative exigency but due to some other reasons which amounts to malafide exercise of the powers. In view of the above this petition is dismissed. There shall be no order as to costs. Sd/- Satish K. Agnihotri Judge	

(पीछे देखिये)